

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

ONIE CHAMBERS,

Plaintiff,

v.

MACK ALFORD CORRECTIONAL
CENTER, et al.,

Defendants.

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Case No. CIV-15-1338-M

REPORT AND RECOMMENDATION

Plaintiff, a state prisoner appearing pro se, has filed a civil rights complaint pursuant to 42 U.S.C. § 1983. He has also filed an Application for Leave to Proceed in Forma Pauperis [Doc. No. 8] and a supporting affidavit. The case has been referred by United States District Judge Vicki Miles-LaGrange for initial proceedings in accordance with 28 U.S.C. §636(b)(1)(B) and (C).

A review of Plaintiff's Application indicates that Plaintiff has sufficient funds in his institutional savings account to prepay the filing fee of \$400. Because Plaintiff has sufficient funds available to prepay the entire filing fee, Plaintiff's Application for Leave to Proceed in Forma Pauperis [Doc. No. 8] should be denied. 28 U.S.C. § 1915(a)(1); *see also Lister v. Department of the Treasury*, 408 F.3d 1309, 1312 (10th Cir. 2005).

If Plaintiff does not pay the \$400 filing fee in full to the Clerk of the Court within twenty-one days of any order adopting this Report and Recommendation, it is recommended that this action be dismissed, without prejudice to refiling, pursuant to LCvR 3.3(e).

Plaintiff is advised of his right to object to this Report and Recommendation. *See* 28 U.S.C. § 636 and Fed. R. Civ. P. 72. Any such objections should be filed with the Clerk of the District Court by February 22, 2016. Plaintiff is further advised that failure to make timely

objection to this Report and Recommendation waives his right to appellate review of the factual and legal issues addressed herein. *Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

ENTERED this 1st day of February, 2016.

A handwritten signature in blue ink, appearing to read "B.M.J.", is written above a horizontal line.

BERNARD M. JONES
UNITED STATES MAGISTRATE JUDGE